

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH BARKER, et al.,

No. C 08-02898 CW

Plaintiffs,

CLERK'S NOTICE
TAKING MOTIONS UNDER
SUBMISSION

v.

DEFAULT RESOLUTION NETWORK, et al.,

Defendants.

Notice is hereby given that the Court, on its own motion, shall take Defendants Mortgage Electronic Registration Systems, Inc., Alborg, Veiluva & Epstein, LLP, and Genpact Mortgage Services' motion to dismiss Kenneth Barker and Lois Anne Barker's complaint (FRCP 12(b)(6)) and Defendant Fidelity National Title Insurance Company's motion to dismiss causes of action contained in the complaint for failure to state a claim (Rule 12(b)(6)) under submission on the papers. The hearings previously scheduled for August 7, 2008 and August 28, 2008, are vacated. Plaintiffs' written opposition to the motions will be due August 7, 2008, and any reply by Defendants will be due August 14, 2008. **Failure by Plaintiffs to timely file written opposition to the motions may result in the granting of the motions.**

Dated: 7/7/08


SHEILAH CAHILL
Deputy Clerk

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 KENNETH BARKER et al,

5 Plaintiff,

6 v.

7 DEFAULT RESOLUTION NETWORK et al,

8 Defendant.
9 _____/

Case Number: CV08-02898 CW

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
11 Court, Northern District of California.

12 That on July 7, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
14 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
15 located in the Clerk's office.

16 Kenneth Barker
17 Lois Anne Barker
18 2349 Royal Oaks Drive
19 Alamo, CA 94507

20 Michael John Veiluva
21 Alborg Veiluva & Epstein LLP
22 200 Pringle Avenue
23 Suite 410
24 Walnut Creek, CA 94596

25 Vito Anthony Costanzo
26 Holland & Knight LLP
27 633 W 5th St, 21st Fl
28 Los Angeles, CA 90071-2005

Dated: July 7, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk